

STATE OF TEXAS §
COUNTIES OF ARANSAS §
SAN PATRICIO AND NUECES §
CITY OF ARANSAS PASS §

On this the 16th day of April, 2012 the City Council of the City of Aransas Pass convened in a Regular Meeting being open to the Public at the regular meeting place thereof in the City Hall and notice of said meeting giving the time, place, date and subject hereof having been posted and prescribed by Chapter 551 of the Texas Government Code with the following attendance to wit constituting a quorum.

PRESENT: Tommy Knight Mayor
Phillip Hyatt Mayor Pro Tempore
James A. Mills Council Member
Ross McElwee Council Member
Vickie Abrego Council Member

ABSENT:

ADMINISTRATIVE
PERSONNEL PRESENT: Allen Lawrence City Attorney
Reggie Winters City Manager
Yvonne Stonebraker City Secretary

ADMINISTRATIVE
PERSONNEL ABSENT:

STAFF PRESENT: Rick Kilgore Fire Chief
Paul Alvarado Public Works Director
Frank Truitt City Inspector
Donnie Obenhaus Firefighter

OTHERS PRESENT: Dean Eddleblute, Donald & Jeanie Brummett, Charlie Gregory, Billy Ellis, Carol Salinas, Gordon McElvany, Joshua Bair, Susanne Rojas and Robert Cohen.

There may have been others present who did not sign in.

- 1. CALL MEETING TO ORDER.**
Mayor Knight called the meeting to order at 7:00 P.M. on April 16, 2012.
- 2. INVOCATION AND PLEDGE OF ALLEGIANCE TO THE UNITED STATES FLAG.**
Council Member Abrego gave the invocation. Mayor Knight led the Pledge of Allegiance to the United States Flag.
- 3. CONSIDER AND ACT ON MINUTES OF APRIL 2, 2012.**
Mayor Pro Tem Hyatt made a motion to approve the minutes of April 2, 2012. Council Member Mills seconded the motion and the motion carried unanimously.
- 4. PROCLAMATION RECOGNIZING APRIL 22 – 28, 2012 AS “PAINT THE CITIES PURPLE” WEEK AND APRIL 27, 2012 AS “RELAY FOR LIFE” DAY.**
Mayor Knight read the proclamation recognizing April 22 – 28, 2012 as “Paint the Cities Purple” week and April 27, 2012 as “Relay for Life” day.
- 5. PROCLAMATION RECOGNIZING THE MONTH OF APRIL AS “FAIR HOUSING MONTH IN THE CITY OF ARANSAS PASS”.**
Mayor Knight read the proclamation recognizing the month of April as “Fair Housing Month in the City of Aransas Pass”.
- 6. CONSIDER AND ACT ON APPROVING RESOLUTION NO. 2012-670 – RESOLUTION OF THE CITY OF ARANSAS PASS AUTHORIZING DESIGNATED SIGNATORS FOR ITS TEXAS**

**COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM – DISASTER RECOVERY FUND
CONTRACT NO. 12-291-000-5639 ROUND 2.1.**

Council Member Mills made a motion to approve Resolution No. 2012 – 670 – Resolution of the City of Aransas Pass authorizing designated signators for its Texas Community Development Block Grant Program – Disaster Recovery Fund Contract No. 12-291-000-5639 Round 2.1. Mayor Pro Tem Hyatt seconded the motion and the motion carried unanimously.

7. CONSIDER AND ACT ON APPROVING THE REQUEST OF MR. RONNIE PARKER FOR CITY OF INGLESIDE TO SUPPLY SEWER AT 3714 FM 1069 (CORNER OF COLLINS LANE AND FM 1069).

Council Member Mills made a motion to approve the request of Mr. Ronnie Parker for City of Ingleside to supply sewer at 3714 FM 1069 (corner of Collins Lane and FM 1069). Council Member Abrego seconded the motion and the motion carried unanimously.

8. CONSIDER AND ACT ON APPROVING THE REQUEST OF MR. BRENT CASEY, COASTAL BEND REGIONAL WATER RESCUE, FOR USE OF BUILDING LOCATED AT 401 BIGELOW ON CONN BROWN HARBOR.

Council Member Abrego made a motion to table the request of Mr. Brent Casey, Coastal Bend Regional Water Rescue, for use of building located at 401 Bigelow on Conn Brown Harbor until Mr. Casey could meet with City Manager Winters and come up with a proposal and possible diagram of request. Mayor Pro Tem Hyatt seconded the motion and the motion carried unanimously.

9. CONSIDER AND ACT ON APPROVING THE REQUEST OF COASTAL BEND BAYS AND ESTUARIES PROGRAM, INC. FOR A DONATION OF \$5,000.

Council Member McElwee made a motion to deny the request of Coastal Bend Bays and Estuaries Program, Inc. for a donation of \$5,000. Mayor Pro Tem Hyatt seconded the motion and the motion carried unanimously.

10. PUBLIC HEARING ON REQUEST OF TERRY ORF TO CLOSE, ABANDON AND VACATE A SEGMENT OF AN UNIMPROVED PORTION OF ARCH STREET LYING BETWEEN RHODES AVENUE AND PROCEEDING SOUTH TO THE RAILROAD RIGHT-OF-WAY AT BEASLEY AVENUE BEING TRACT 1, BLOCK V OF BURTON AND DANFORTH SUBDIVISION.

City Attorney Allen Lawrence opened the Public Hearing at 7:40 p.m. for the request of Terry Orf to close, abandon and vacate a segment of an unimproved portion of Arch Street lying between Rhodes Avenue and proceeding south to the railroad right-of-way at Beasley Avenue being Tract 1, Block V of Burton and Danforth Subdivision.

City Attorney Lawrence asked if there was anyone present to speak in favor of this request.

Mr. Terry Orf stated he had petitioned the City for this closure for the required ten days. He stated he would like to take out the culverts and open the drainage ditches. He stated the City has done an excellent job keeping the piece of property cleaned and blocked off. He stated the City is using telephone poles to block off the piece of property but there are citizens who move the poles to drive through. Mr. Orf stated he only wanted the property up to the 100 foot railroad easement.

Council Member McElwee asked Mr. Orf how he would feel about blocking the right-of-way with a mound of dirt or something that couldn't be moved. He stated he was leery giving up a City right-of-way in case a development happened in that area.

Mr. Orf stated the City would never have access to Beasley because of the railroad easement. He stated he had offered to pay the City to vacate that piece of property.

Attorney Lawrence stated the property had to be offered to all adjoining property owners. He stated the property would need to be appraised for a fair market value and would need a survey to show the description of property.

Council Member McElwee asked Mr. Orf if he would be willing to have a survey done.

Mr. Orf stated he would be willing to split the cost of the survey with the City.

City Manager Winters asked if the Berry's could be notified to see if they were interested in part of that property before moving ahead.

City Attorney Lawrence asked if there was anyone else present to speak in favor of this request. He asked if there was anyone present to speak against this request. There were none.

City Attorney Lawrence closed the Public Hearing at 7:52 P.M.

11. **CONSIDER AND ACT ON REQUEST OF TERRY ORF TO CLOSE, ABANDON AND VACATE A SEGMENT OF AN UNIMPROVED PORTION OF ARCH STREET LYING BETWEEN RHODES AVENUE AND PRECEEDING SOUTH TO THE RAILROAD RIGHT-OF-WAY AT BEASLEY AVENUE BEING TRACT 1, BLOCK V OF BURTON AND DANFORTH SUBDIVISION.**

Council Member Mills made a motion to table the request of Mr. Terry Orf to close, abandon and vacate a segment of an unimproved portion of Arch Street lying between Rhodes Avenue and preceeding south to the railroad right-of-way at Beasley Avenue being Tract 1, Block V of Burton and Danforth Subdivision. Mayor Pro Tem Hyatt seconded the motion and the motion carried unanimously.

12. **PUBLIC HEARING ON REQUEST OF MICHAEL DAN NUGENT TO REZONE FROM (AG) AGRICULTURAL TO (GB) GENERAL BUSINESS. THE PROPERTY IS DESCRIBED AS 2411 HWY 361, 8.89 ACRES SITUATED IN REDFISH BAY, CITY OF ARANSAS PASS, NUECES COUNTY, TEXAS, ABOUT 2.6 MILES SOUTHEAST OF THE CITY OF ARANSAS PASS, TEXAS WITH SAID 8.898 ACRE TRACT LYING BETWEEN THE NORTHEASTERLY BOUNDARY LINE OF NUECES COUNTY ROAD DISTRICT NO. 4 AS DESCRIBED IN VOLUME 519, PAGES 160-169, DEED RECORDS OF NUECES COUNTY, TEXAS, AND THE SOUTHWEST RIGHT-OF-WAY LINE OF THE 155.0 FOOT WIDE ARANSAS PASS TRIBUTARY CHANNEL, SAID TRACT BEING A PORTION OF STATE SURVEY NO. 651 CONVEYED TO ARANSAS DOCK AND CHANNEL COMPANY BY PATENTS RECORDED IN VOLUME 13, PAGE 406 IN THE STATE LAND OFFICE AND FILED IN VOLUME 94, PAGES 529 AND 530 DEED RECORDS OF NUECES COUNTY, TEXAS WITH SAID 8.898 ACRE TRACT LYING NORTHWESTERLY OF AND ADJACENT TO LOT NO. 1 OF SOUTH BAY ESTATES SUBDIVISION ACCORDING TO MAP RECORDED IN VOLUME 64, PAGE 46, MAP RECORDS OF NUECES COUNTY, TEXAS, ARANSAS PASS, TEXAS AND NUECES COUNTY. THE PROPERTY IS ZONED (AG) AGRICULTURAL DISTRICT.**

City Attorney Lawrence opened the Public Hearing at 7:53 P.M. on request of Michael Dan Nugent to rezone from (AG) Agricultural to (GB) General Business. The property is described as 2411 Hwy 361, 8.89 acres situated in Redfish Bay, City of Aransas Pass, Nueces County, Texas, about 2.6 miles southeast of the City of Aransas Pass, Texas with said 8.898 acre tract lying between the northeasterly boundary line of Nueces County Road District No. 4 as described in Volume 519, Pages 160-169, Deed Records of Nueces County, Texas, and the southwest right-of-way line of the 155.0 foot wide Aransas Pass Tributary Channel, said tract being a portion of State Survey No. 651 conveyed to Aransas Dock and Channel Company by Patents Recorded in Volume 13, Page 406 in the State Land Office and filed in Volume 94, pages 529 and 530 Deed Records of Nueces County, Texas with said 8.898 acre tract lying northwesterly of and adjacent to lot No. 1 of South Bay Estates Subdivision according to map recorded in Volume 64, Page 46, map records of Nueces County, Texas, Aransas Pass, Texas and Nueces County. The property is zoned (AG) Agricultural District.

City Attorney Lawrence asked if there was anyone present to speak in favor of this request.

Mr. Nugent stated he owned Lots 1-4 in South Bay Marina Estates. He stated his bait stand was located on Lot 1 and if his bait stand were to experience any kind of disaster, he would not be allowed to rebuild according to the Zoning Use Chart. He stated he would like to rezone Lots 1-3 as (GB) General Business and rezone Lot 4 as (R-10) Residential. He stated Lot 4 was located next to Lot 1 of South Bay Estates and the owner, Mr. Charlie Gregory, would not like a business located next to his house.

City Attorney Lawrence stated the Planning and Zoning minutes were written as Mr. Nugent would like to rezone from (AG) Agricultural to (GB) General Business.

Mr. Nugent stated he thought he had presented it to the Planning and Zoning Board that Lots 1-3 would rezone to (GB) General Business and Lot 4 would rezone to (R10) Residential.

City Attorney Lawrence stated a motion could be made to rezone Lots 1-3 to (GB) General Business and leave Lot 4 as (AG) Agricultural.

Mr. Nugent asked City Attorney Lawrence if that meant he had to go back before Planning and Zoning to request Lot 4 to be rezoned as (R-10) Residential.

City Attorney Lawrence stated yes, he (Mr. Nugent) would have to go before Planning and Zoning again to rezone Lot 4 to (R-10) Residential.

City Attorney Lawrence asked if there was anyone else present to speak in favor of this request. He asked if there was anyone present to speak against this request. There were none.

City Attorney Lawrence closed the Public Hearing at 8:05 P.M.

13. **CONSIDER AND ACT ON REQUEST OF MICHAEL DAN NUGENT TO REZONE FROM (AG) AGRICULTURAL TO (GB) GENERAL BUSINESS. THE PROPERTY IS DESCRIBED AS 2411 HWY 361, 8.89 ACRES SITUATED IN REDFISH BAY, CITY OF ARANSAS PASS, NUECES COUNTY, TEXAS, ABOUT 2.6 MILES SOUTHEAST OF THE CITY OF ARANSAS PASS, TEXAS WITH SAID 8.898 ACRE TRACT LYING BETWEEN THE NORTHEASTERLY BOUNDARY LINE OF NUECES COUNTY ROAD DISTRICT NO. 4 AS DESCRIBED IN VOLUME 519, PAGES 160-169, DEED RECORDS OF NUECES COUNTY, TEXAS, AND THE SOUTHWEST RIGHT-OF-WAY LINE OF THE 155.0 FOOT WIDE ARANSAS PASS TRIBUTARY CHANNEL, SAID TRACT BEING A PORTION OF STATE SURVEY NO. 651 CONVEYED TO ARANSAS DOCK AND CHANNEL COMPANY BY PATENTS RECORDED IN VOLUME 13, PAGE 406 IN THE STATE LAND OFFICE AND FILED IN VOLUME 94, PAGES 529 AND 530 DEED RECORDS OF NUECES COUNTY, TEXAS WITH SAID 8.898 ACRE TRACT LYING NORTHWESTERLY OF AND ADJACENT TO LOT NO. 1 OF SOUTH BAY ESTATES SUBDIVISION ACCORDING TO MAP RECORDED IN VOLUME 64, PAGE 46, MAP RECORDS OF NUECES COUNTY, TEXAS, ARANSAS PASS, TEXAS AND NUECES COUNTY. THE PROPERTY IS ZONED (AG) AGRICULTURAL DISTRICT.**

Council Member Mills made a motion to approve the request of Michael Dan Nugent to rezone Lots 1-3 from (AG) Agricultural to (GB) General Business and leave Lot 4 (AG) Agricultural. The property is described as 2411 Hwy 361, 8.89 acres situated in Redfish Bay, City of Aransas Pass, Nueces County, Texas, about 2.6 miles southeast of the City of Aransas Pass, Texas with said 8.898 acre tract lying between the northeasterly boundary line of Nueces County Road District No. 4 as described in Volume 519, Pages 160-169, Deed Records of Nueces County, Texas, and the southwest right-of-way line of the 155.0 foot wide Aransas Pass Tributary Channel, said tract being a portion of State Survey No. 651 conveyed to Aransas Dock and Channel Company by Patents Recorded in Volume 13, Page 406 in the State Land Office and filed in Volume 94, pages 529 and 530 Deed Records of Nueces County, Texas with said 8.898 acre tract lying northwesterly of and adjacent to lot No. 1 of South Bay Estates Subdivision according to map recorded in Volume 64, Page 46, map records of Nueces County, Texas, Aransas Pass, Texas and Nueces County. The property is zoned (AG) Agricultural District. Mayor Pro Tem Hyatt seconded the motion and the motion carried with Council Member McElwee voting no.

14. **PUBLIC HEARING ON REQUEST OF DEAN EDDLEBLUTE TO USE RV AS TEMPORARY RESIDENCE WHILE BUILDING A HOME. THE PROPERTY IS DESCRIBED AS LOTS 2-A AND 2-B, BLOCK 47, BURTON AND DANFORTH SUBDIVISION, ARANSAS PASS, TEXAS, SAN PATRICIO COUNTY. THE PROPERTY IS ZONED (R-10) ONE FAMILY DWELLING-DETACHED DISTRICT.**

City Attorney Lawrence opened the Public Hearing at 8:08 P.M. on request of Dean Eddleblute to use RV as temporary residence while building a home. The property is described as Lots 2-A and 2-B, Block 47, Burton and Danforth Subdivision, Aransas Pass, Texas, San Patricio County. The property is zoned (R-10) One Family Dwelling-Detached District.

City Attorney Lawrence asked if there was anyone present to speak in favor of this request.

Mr. Dean Eddleblute stated he had purchased a piece of property on the south side of Johnson Avenue in October 2011. He stated he was from Richmond, Texas and would like to retire in Aransas Pass. Mr. Eddleblute stated he would like to place his present home, in Richmond, on the market in June of 2012. He stated he would like to start with a shed for his tools and equipment and would like to start on his house at the end of this year.

City Attorney Lawrence asked if there was anyone else present to speak in favor of this request. He asked if there was anyone present to speak against this request. There were none.

City Attorney Lawrence closed the Public Hearing at 8:11 P.M.

15. **CONSIDER AND ACT ON REQUEST OF DEAN EDDLEBLUTE TO USE RV AS TEMPORARY RESIDENCE WHILE BUILDING A HOME. THE PROPERTY IS DESCRIBED AS LOTS 2-A AND 2-B, BLOCK 47, BURTON AND DANFORTH SUBDIVISION, ARANSAS PASS, TEXAS, SAN PATRICIO COUNTY. THE PROPERTY IS ZONED (R-10) ONE FAMILY DWELLING-DETACHED DISTRICT.**

Council Member Mills made a motion to approve the request of Dean Eddleblute to use RV as temporary residence while building a home. The property is described as Lots 2-A and 2-B, Block 47, Burton and Danforth Subdivision, Aransas Pass, Texas, San Patricio County. The property is zoned (R-10) One Family Dwelling-Detached District. Mayor Pro Tem Hyatt seconded the motion and the motion carried unanimously.

Mayor Knight welcomed Mr. Eddleblute to Aransas Pass.

16. **CONSIDER AND ACT ON APPROVING THE CITY OF ARANSAS PASS' 2010-2011 FINANCIAL AUDIT.**

Council Member McElwee made a motion to approve the City of Aransas Pass' 2010-2011 financial audit. Council Member Mills seconded the motion and the motion carried unanimously.

17. **CONSIDER AND ACT ON APPOINTING TWO MEMBERS TO THE ARANSAS PASS CRIME CONTROL AND PREVENTION DISTRICT TO FILL VACANCIES.**

Council Member Mills made a motion to appoint Mr. Robert Cohen and Mr. Jay Attaway to the Aransas Pass Crime Control and Prevention District to fill vacancies. Mayor Pro Tem Hyatt seconded the motion and the motion carried unanimously.

18. **CITIZENS COMMENTS.**

There were none.

19. **RECESS REGULAR MEETING AND RETIRE TO EXECUTIVE SESSION PURSUANT TO CHAPTER 551 OF TEXAS GOVERNMENT CODE.**

Mayor Knight recessed the Regular Meeting at P.M. 8:16 P.M.

A. **SECTION 551.071 - CONSULTATION WITH CITY ATTORNEY – LEGAL MATTERS –CITY OF INGLESIDE VS CITY OF ARANSAS PASS**

B. **SECTION 551.072 - DELIBERATIONS REGARDING REAL PROPERTY – BAIT SHOP HARBOR LEASE**

20. **RECONVENE IN REGULAR MEETING AND CONSIDER AND ACT ON FINDINGS OF EXECUTIVE SESSION.**

Mayor Knight reconvened the Regular Meeting at 8:35 P.M.

A. **SECTION 551.071 - CONSULTATION WITH CITY ATTORNEY – LEGAL MATTERS – CITY OF INGLESIDE VS CITY OF ARANSAS PASS**

No action.

B. **SECTION 551.072 - DELIBERATIONS REGARDING REAL PROPERTY – BAIT SHOP HARBOR LEASE**

Council Member Mills made a motion for Lessee's to meet with City Manager Winters to discuss terms and conditions on their existing lease. Mayor Pro Tem Hyatt seconded the motion and the motion carried unanimously.

21. **ADJOURNMENT OF MEETING.**

Council Member McElwee made a motion to adjourn the meeting. Council Member Abrego seconded the motion and the motion carried unanimously.

Mayor Knight adjourned the meeting at 8:37 P.M.

Tommy Knight, Mayor

ATTEST:

Yvonne Stonebraker, City Secretary